

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 24 2008

In re application of

*

McCAUSLAND, Linda, Jane et al.

*

PCT LEGAL
ADMINISTRATION

Serial No. 10/591,795

*

Filed: (September 6, 2006)

*

*

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*

For: REMOVAL OF SODIUM OXALATE FROM A BAYER LIQUOR

REQUEST FOR RECONSIDERATION
OF
RULE 47 PETITION

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Decision dated 21 April 2008.

Submitted herewith is a DECLARATION OF FACTS which has been executed by Peter T. Mansfield in accord with 18 U.S.C. 1001.

In view of the stated facts and supporting documents attached thereto, taken in conjunction with the information in the submission of October 10, 2007, it is submitted that the application should now be accepted under the provisions of 37 CFR 1.47 (Rule 47).

The joint inventor, Linda Jane McCausland's previous address of West Lafayette, Indiana is no longer current. On information and belief, she has now returned to the United

Kingdom and a suitable home address would be:

20 Shepherd Gardens
Abingdon
Oxon
OX 14 5PR
United Kingdom

RECEIVED

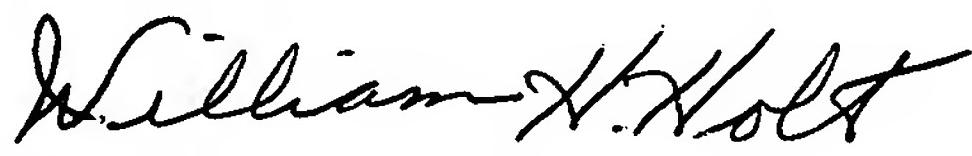
JUN 24 2008

PCT LEGAL
ADMINISTRATION

Favorable action is courteously requested.

Respectfully submitted,

June 23, 2008 (Monday)



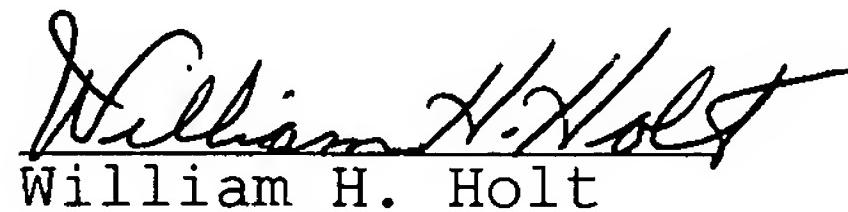
William H. Holt
Reg. No. 20766
Customer No. 25628

Law Offices of William H. Holt
12311 Harbor Drive
Woodbridge, VA 22192

Telephone: (703) 491-8880
Facsimile: (703) 491-8444
e-mail: WilliamHolt@HoltLawOffices.com

Certificate of Mailing

I certify that this document is being mailed in an envelope address to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with postage prepaid for first class mail on June 23, 2008



William H. Holt

DECLARATION OF FACTS

IN THE MATTER OF UNITED STATES PATENT APPLICATIONS:

Serial No. 10/591,795, McCausland, Linda Jane *et al.* - (File 15819)

Serial No. 11/571,718, McCausland, Linda Jane *et al.* - (File 15862)

Serial No. 11/629,894, McCausland, Linda Jane *et al.* - (File 15864)

Serial No. 11/571,688, McCausland, Linda Jane *et al.* - (File 15865)

I, Peter T. Mansfield, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 United States Code, Section 1001, and that such willful statements, and the like, may jeopardize the validity of the respective applications and any resulting Letters Patents, declare:

That I am a Chartered Patent Attorney practicing in the United Kingdom.

That I am properly authorized to execute this Declaration on behalf of the owner, Accentus plc, of the above identified applications for patent and the inventions disclosed therein.

That I have first hand knowledge of the following facts, statements and documents.

That I have been and am presently involved with the prosecution of the above four identified U.S. Patent Applications and prior related PCT applications.

That Linda Jane McCausland, by the terms of her employment at the time of making of the inventions, and by virtue of United Kingdom law (where she was working at the time of making the inventions), is obligated to sign the papers for filing of the four application described above.

I attach bundles of papers extracted from our records for each of the highlighted cases. In each case the original application was filed as a PCT application, and was published as a PCT application, and the published PCT specification (which became the national phase document submitted for the US filing) including drawings and claims, was sent to all the respective inventors. Consequently a second copy of the specification was not sent along with the US papers for signature, as each inventor already had a copy.

The documents from our records are as follows (describing them in chronological order):

15819 MdH:

21 September 2005 mail book extract - PCT published specification sent to Linda McCausland

4 August 2006 covering letter sent to Linda McCausland with Declaration and Assignment

4 August 2006 mail book extract for sending these papers by courier

14 September 2006 note of my telephone conversation with Linda McCausland

19 September 2006 note of my telephone conversation with Linda McCausland

17 October 2006 note of my telephone conversation with Linda McCausland

17 October 2006 e-mail to Linda McCausland

18 October 2006 exchange of e-mails about payments with Linda McCausland

12 December 2006 note of my telephone conversation with Linda McCausland

18 December 2006 e-mail to Linda McCausland requesting update

2 February 2007 e-mail to Linda McCausland regarding signatures

It will be appreciated that from 30 October 2006 onwards the above exchanges actually relate to the cases 15819, 15864 and 15865; while from 30 December 2006 onwards they also relate to 15862 MdH.

15862 MdH:

19 January 2006 mail book extract - PCT published specification sent to Linda McCausland

22 December 2006 mail book extract for sending US forms and letter to Linda McCausland

22 December 2006 covering letter with papers sent to Linda McCausland

15864 MdH:

4 January 2006 mail book extract - PCT published specification sent to Linda McCausland

30 October 2006 mail book extract for sending US forms and letter to Linda McCausland

30 October 2006 covering letter sending US forms to Linda McCausland

15865 MdH:

19 January 2006 mail book extract - PCT published specification sent to Linda McCausland

30 October 2006 mail book extract for sending US forms and letter to Linda McCausland

30 October 2006 covering letter sending US forms to Linda McCausland

It will be appreciated that the last two items are the same as those under File 15864 MdH.

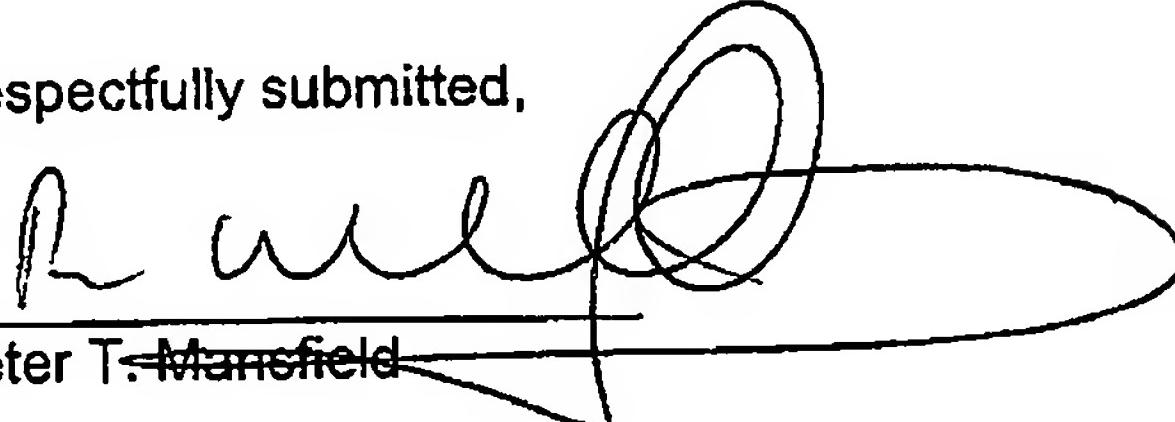
It will be evident from the telephone conversations and e-mail exchanges with Linda McCausland (provided above under 15819

MdH) that she has not refused to sign the documents; nor has she raised any reason why she should not sign them. But nevertheless she has not signed any of these documents over a period of almost two years.

In view of the foregoing, one must conclude that the conduct of Linda Jane McCausland constitutes a refusal to sign the application papers (MPEP 409.03(d)).

Respectfully submitted,

June 23, 2008


Peter T. Mansfield

IN THE MATTER OF UNITED STATES PATENT APPLICATION
Serial No. 10/591,795, McCausland, Linda Jane et al.
(File 15819)

Wednesday 21 September 2005

15935 Tp.CX : Andrea Bennett Copy of e-mail enc.

Cuthan Peng et al outside, WO02/093187
GB 2402224, US2003/0057918

US 6157169, US 5936383,

15902 MDH : Khaitan & Co Courier
India letter enc. Certified
copy of priority doc

15949 MDX : Patent Office letter enc. formal
Newport drawings

15949 MDX : Ken Beathress Ltd Blue covered copies
Chelsey

M. Feart } All
B. Drew } Stanless
L. Mitchell }
R. Duggan }
J. Huist }

Enca

15902 MDX : Etan Law Group Courier
Israel letter enc. Certified
Copy of Priority doc

→ 15819 MDH : Linda McCardle ←
USA Copy of PCT published
Martin Fennell spec.
Ireland

15826 MDDe : Matthew Carter
Ireland

ipsolutions

COURIER

Linda McCausland
c/o SSCI Inc.
3065 Kent Avenue
West Lafayette
IN 47906
USA

Fugro House
Hithercroft Road
Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659
www.ip-solutions.biz

Reference: 15819 MdH ✓

4 August 2006

Dear Linda,

REMOVAL OF SODIUM OXALATE FROM A BAYER LIQUOR

Further to your telecom with Peter yesterday, please find enclosed the following documents for filing a national phase patent application.

South Africa : Assignment: this needs signature and date of signing
ARIPO : Assignment: this needs signature and date of signing
OAPI : Assignment: this needs place of signing, signature and date
Canada : Assignment: (in duplicate) these need place of signing, signature and date, these assignments also need witnessing.
Brazil : Assignment: this needs place of signing, signature and date

// USA: Combined Declaration: needs your signature and date in the boxes marked. Please sign with your full name "Linda Jane McCausland".

// USA: Assignment: this needs your full signature on the back, with date and place as marked, and also needs two witnesses; each witness should also give their name in capitals, occupation, and home address.

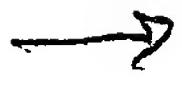
Please ensure that the USA Combined Declaration and USA Assignment are both dated the same day.

I believe that you will be bringing these documents back with you when you visit the UK shortly. If you would like to give me a ring when you arrive I can make arrangements to pick them up or if you would rather you can send them by mail.

Yours sincerely,

**Frances Esplin
Patents Administrator**

15983 M&Ox	Particulars & Features Japan	Fax + Mail	1.11
15984 M&Ox		App to register TM	
15983 M&Ox	Depositing & Depositing India	Fax + Mail	1.51
15984 M&Ox		App to register TM	
15983 M&Ox	Law Office of William H. Holt	Fax + Mail	2.31
15984 M&Ox	USA	App to register TM	
13439 P&H	TUV Product Services Westen and Korean Ltd Farnham	Post	
	FAO Craig Ormead		
15984 M&P	Nigel Sherris Arlington	Letter and Post for bag & box for returning	bt
✓	Friday 4 August 2006		
15983 M&Ox	'OHIM	Fax Only	
15984 M&Ox	Alicante	Request for cert	
15985 M&Ox		copy of app	
→	15819 M&H Vinder McLean and SSCI C USA	Concise letter and forms for signature	←
15998 M&H	T. Roachling 401-8 Mike Boose, Preston Bob Paul 401-8 Ross Morgan 149 Cline Lee-Tuffnell, Poole John Lander, HQ	Blue Covered copies	bx



Linda Tel: 4/9/06.
May be back
in office next week.



Tel: Linda 14.9.06
She'll deal with them - when she
has time....



Tel: 17/10/06 message left
- she'll deal this week (or so)
- she needs to be paid/reimbursed.

J: ie Mannion

From: Peter Mansfield
Sent: 17 October 2006 16:50
To: lmccausland@SSCI-INC.com
Subject: Documents for signature

To Linda McCausland

Re: removal of sodium oxalate

ref: 15819 MdH ✓

Dear Linda

Thanks for discussing the matter of the various documents that you are signing relating to the above case.

You suggested that there might be some outstanding cost implications. You are of course right that last summer you had your signature witnessed by a notary - that was for documents on the cases 15864 and 15865 MdH. But as far as those were concerned, we then received an invoice from SSCI last year, which has been paid.

As regards the current set of papers - the ones that Frances sent you on 4th August - you will recall that we had hoped to see you while you were in the UK. That would have provided a convenient opportunity to hand over the requisite £2. Since that didn't work out, we'll have to find another route. We'll be sending you some more papers on 15864 and 15865 MdH in the next week or so (equivalent to the ones already sent you on 15819 MdH), so that'll provide a convenient opportunity for dealing with the payments all at once.

I look forward to hearing from you.

Best wishes

Peter

Peter Mansfield
IP Solutions, Fugro House, Hethercote Road, Wallingford, Oxon., OX10 9RB, UK

Jasie Mannion

From: Peter Mansfield
Sent: 18 October 2006 09:19
To: Linda McCausland
Subject: RE: Documents for signature

✓ Tel: 28/11/06 Message
Linda is travelling (on business)
for the next two weeks.
✓ Tel: 12.12.06 Linda - just back from trip US + EU.
- off again soon.
- will do this . . .

Dear Linda

The symbolic payment of £1 applies only to the US and Canada. That's why it's only £2 so far. If there are (as I expect) equivalent forms for the other two cases (15864 & 15865 MdH), then it will amount to £6.

Best wishes
Peter

From: Linda McCausland [mailto:lmccausland@SSCI-INC.com]
Sent: 17 October 2006 17:40
To: Peter Mansfield
Subject: RE: Documents for signature

Dear Peter,

Since leaving Accentus I have signed several patent documents and have not received the one GBP payment for any these. Off the top of my head I can't remember how many there were, but certainly more than 2. I also took the time to visit your notary in Abingdon to sign some documents last May.

I will put together an invoice for my time in addressing these issues, perhaps you could let me have the correct figures for the monies I'm owed and I'll add it to the invoice.

Best Regards,
Linda

From: Peter Mansfield [mailto:peter.mansfield@ip-solutions.biz]
Sent: Tuesday, October 17, 2006 11:50 AM
To: Linda McCausland
Subject: Documents for signature

To Linda McCausland

Re: removal of sodium oxalate

ref: 15819 MdH ✓

Dear Linda

Thanks for discussing the matter of the various documents that you are signing relating to the above case.

You suggested that there might be some outstanding cost implications. You are of course right that last summer you had your signature witnessed by a notary - that was for documents on the cases 15864 and 15865 MdH. But as far as those were concerned, we then received an invoice from SSCI last year, which has been paid.

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J: le Mannion

From: Peter Mansfield
Sent: 18 December 2006 17:07
To: Linda McCausland
Subject: Re: document signatures

To Linda McCausland

Re: document signatures

Dear Linda

Could you please give me an update as to when you will be getting those documents back to us? That is to say the documents on 15819 that Frances sent you in August, and the documents on 15864 and 15865 that I sent you more recently, that needed your signature.

We will be having an update meeting with Philip Agg in the next couple of days, who will want to know when this will be completed.

I look forward to hearing from you.

Best wishes for Christmas and the New Year!

Peter

Jane Mannion

From: Peter Mansfield
Sent: 02 February 2007 17:57
To: Linda McCausland (linda.mccausland@aptuit.com)
Subject: Re: signatures! Ref: 15819 etc

To Linda McCausland

Re: signatures! Ref: 15819 etc

Dear Linda

I understand that you are currently in Europe and the UK (temporarily). If you are going to be anywhere near Oxfordshire in the next few days I would be happy to bring the papers over to you to make it easy for you to deal with the necessary signatures on the various documents that we are still waiting for. If that would be possible, please get in touch with me by e-mail or phone.

Look forward to hearing from you!

Best wishes

Peter Mansfield

IP Solutions
Fugro House, Hethercroft Road, Wallingford, Oxon., OX10 9RB
0870 402 1626

IN THE MATTER OF UNITED STATES PATENT APPLICATION
Serial No. 11/571,718, McCausland, Linda Jane *et al.*
(File 15862)

ipsolutions

COURIER on 22 Dec 2006

SSCI Inc.
3065 Kent Avenue
West Lafayette
In 47906
USA

Fugro House
Hithercroft Road
Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659
www.ip-solutions.biz

For the Attention of Linda McCausland

Reference: 15862 MdH ✓

Dear Linda

RE: SUGAR TREATMENT

I hope you have had an enjoyable break over the Christmas period and that you are enjoying the New Year.

- ... Here is the last set of forms for your signature. In this case it is only forms for the USA: a US declaration and a US assignment. And the assignment has been simplified so that no witness signatures are necessary.

Please sign both documents **on the same day**, and send them both back to me.

I am aware that Accentus will owe you £7 for the US and Canadian assignments for 15819 MdH, 15864 and 15865 MdH, and the US assignment for this case. Please tell me if you incur any further expenses (such as postage). And tell me if you'd rather we paid you in pounds or dollars, and I'll arrange for a cheque.

Best wishes.

Yours sincerely

Peter Mansfield

Monday 21 December 2006

158 Dennerenger
Stockport

Fax Only

South African grant

Tuesday 22 December 2006

1582 MdH Bill Holt
USA

letter faxed.

couise

letter and Int'l pubn.
SR, UKSR, Citations
Request., Drugs, new
claims

15862 MdH Dennerenger
Stockport

Fax Only

EP appa no.

15864 MdH

HK grant no.

15865 MdH

OPI filing notice

158775/01

Feb. rev. decision

→ 15862 MdH

hindu McLeanland
SSCI Inc.
USA

Couise

letter and US arr.
+ US Doc. for sig.

←

5782 MdR

Geodimby
Runice

Fax + Mail

64

letter re Office Action
and new figure

75/26

Clarke Madet
Spcm

Fax + Mail

83

letter and PPA +
Assn. dead

15910.MDX Deininger & Co.
Stockport

Fax Only
Canadian app. no.

15912.MDX Patent Office
Newport

Cert of Posting
Fax/fit for Taiwan
Malaysia, fee sheet
fe 287

✓ Thursday 19 January 2006

15580.LG.CN Bill Holt
USA

Fax + Mail
Response to office
action

→ 15862.MDH Linda McLeanand
USA

Copy of published
PCT spec ←

N. Neatied
Didcot

A J Brown
Reading

I. H. Smith
Pangbourne

→ 15865.MDH Linda McLeanand Copy of published
USA PCT spec ←

Martin Fennell
Ireland

IN THE MATTER OF UNITED STATES PATENT APPLICATION
Serial No. 11/629,894, McCausland, Linda Jane *et al.*
(File 15864)

Linda McCausland
909 Windsor Drive,
West Lafayette,
IN 47906
USA



Our reference: 15864 and 15865 MdH

Fugro House
Hithercroft Road
Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659
www.ip-solutions.biz

30.10.06

Dear Linda

THE GIBBSITE AND SILICA INVENTIONS

As I predicted would happen, the decision has been made to file patent applications for the other two inventions with which you were involved. I therefore enclose the two batches of papers for your signature. In each case the papers are as follows:

Brazil	Declaration (just needs your signature, with the date and place of signing)
ARIPO	Assignment (just needs your signature, with the date next to it)
Canada	Assignment (needs signature, and date and place of signing; and also a witness)
South Africa	Assignment (just needs signature and date)
USA	Combined Declaration (just needs signature and date)
USA	Assignment (needs signature, and date and place of signing; and two witnesses to sign and complete the information as indicated)

The two US forms must be signed (and dated) on the same day.

Please deal with these as soon as you can - and the earlier papers Frances sent you on 15819 MdH - and then return them all to me. Thank you very much. And please tell me if any costs are incurred, so I can ensure you are recompensed.

I look forward to hearing from you.

Yours sincerely

Peter Mansfield

15830 TPH	Denvirayen & Co. Stockport	Fax Only EP Publ No.
15838 MDR	Spear + Fisher Jersey.	Fax Only Letter re change of address of CT
15844 MDR	Cookshing & Partners Russia	Fax + Mail Letter re grant + renewal fee. and. PoA for CompactL
✓	<u>Monday 30 October 2001</u>	
→ 15844 MDR	Martin Fennell	Forms for signature 1.21 ←
→ 15865 MDR	... Leckland	
→ " "	Hinden Re-Canada USA	2.31 ←
15849 MDR	Griffiths Hack Australia	Fax + Mail 1.66 Letter re exam report and. amended claims + claims showing amendments
15819 MDR	Denvirayen Stockport	Fax Only Canada appn. no.
Tuesday	<u>31 October 2001</u>	
15895 TPH	Malcolm Adams, Wantage S. Barber, Wantage C. Duffig Oxford	UK publ. 44 44 44

✓ Wednesday 4 January 2006

15852 M&H

D. Koltsov

Brockhouse, Lancashire

West Lancashire Bike Fest, Fleetwood

A. Zebadee, Hoddes Heath

H. White, London

T. Robinson, Bridgwater

Carl Safford, Rowstock

Publ. PCT spec. Mar'01

093 2006-01-01

10000

→ 15864 M&H

Winder McDonald

USA

Matthew Fennell, Ireland

Friday

6 January 2006

14919 lg/H

Nakamura + Partners

Japan

Publ. PCT spec.

4

15146-1

Surface Engineering Technologies Patrick Henke due

for renewal

15149 lg/H

Self closing self closing

Allocation Tr. to lapse

15830 Tp/GN

IPB, Hamburg

EPO Munich

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IN THE MATTER OF UNITED STATES PATENT APPLICATION
Serial No. 11/571,688, McCausland, Linda Jane et al.
(File 15865)

Linda McCausland
909 Windsor Drive,
West Lafayette,
IN 47906
USA



Our reference: 15864 and 15865 MdH

Fugro House
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Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659
www.ip-solutions.biz

30.10.06

Dear Linda

THE GIBBSITE AND SILICA INVENTIONS

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Canada	Assignment (needs signature, and date and place of signing; and also a witness)
South Africa	Assignment (just needs signature and date)
USA	Combined Declaration (just needs signature and date)
USA	Assignment (needs signature, and date and place of signing; and two witnesses to sign and complete the information as indicated)

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Yours sincerely

Peter Mansfield

15830 TPH	Denebeyer & Co. Stockport	Fax Only EP Pubn No.
15838 MDR	Spar & Fisher Jersey.	Fax Only better re change of address at CT
15844 MDR	Cordisbury & Partners Russia	Fax + Mail better re grant + removal b/c fees and PoA for Company & CTL
✓ Monday 30 October 2001		
✓ 15864 MDR	Martin Fennell	Faxes for signature 1.21
✓ 15865 MDR	Liebland	" "
→ " "	Winder McCausland USA	2.31 ←
15869 MDR	Geffith Black Australia	Fax + Mail 1.66 better re exam report and amended claims + claim showing amendments
15879 MDR	Denebeyer Stockport	Fax Only Canadian appn. no.
Tuesday 31 October 2001		
15895 TPH	Malcolm Adam, Wantage S. Britain, Wantage C. Duffy Oxford J. Wansing Grove	UK pubn 44 44 44 44

15910 MDX Deininger & Co.
Stockport
Fax Only
Canadian app. no.

15912 MDX Patent Office
Newport
Cert of Posting
F03/77 for Taiwan,
Malaysia, fee sheet
fe 287

✓ Thursday 19 January 2006

15980 LGN Bill Holt
USA
Fax & Mail
Response to office
action

→ 15862 MDH Hindar Technoland
USA Copy of published ←
PCT spec

N. Moxted
Didcot

A J Brown
Reading

I. H. Smith
Pangbourne

→ 15865 MDH Hindar Technoland Copy of published ←
USA PCT spec

Martin Fennell
Ireland